

JAMIE L. WHITTEN  
1ST DISTRICT, MISSISSIPPI  
2314 HOUSE OFFICE BUILDING  
(202) 226-4306

94-48  
EX PARTE OR LATE FILED

COMMITTEE ON APPROPRIATIONS

Congress of the United States  
House of Representatives  
Washington, DC 20515-2401

CSB  
CMT/98  
3810

DOCKET FILE COPY ORIGINAL

August 9, 1994

RECEIVED

OCT 19 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Ms. Meredith J. Jones  
Chief  
Cable Services Bureau  
Federal Communications Commission  
Washington, DC 20554

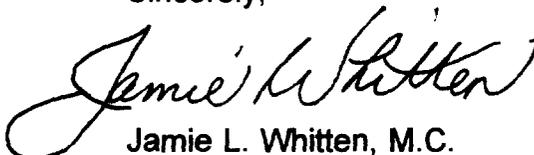
Dear Ms. Jones:

I received the enclosed correspondence from a constituent.

While I understand that the status of this issue is currently pending until the possibility of further rulemaking is resolved, I would appreciate it if you would ensure that this letter is given full consideration by the Commission. Also, as soon as the status of this issue is resolved, please provide me with a full accounting of the Commission's decision.

I appreciate your assistance and look forward to your response. Best regards.

Sincerely,

  
Jamie L. Whitten, M.C.

JLW/dm

Enclosure

No. of Copies rec'd \_\_\_\_\_  
List A B C D E \_\_\_\_\_

2

AUG 0 1994

# ClearVision, Inc.

1013 Annandale Drive  
Madison, MS 39110  
601-773-4440 / 601-853-9576

**July 27, 1994**

**The Honorable Representative Jamie Whitten  
United States House of Representatives  
Washington, D.C. 20515**

**Dear Representative Whitten:**

**My name is Glenn Hughes and I am President of ClearVision, Inc. We are affiliated with the National Rural Telecommunications Cooperative (NRTC) in the DIR DCTTV project delivering programming to rural customers who are largely not served by cable. We own programming rights for the new Digital Satellite System in eight counties in Central Mississippi. I am writing this letter to voice my concern I have regarding the implementation and enforcement of section 19 of the 1992 Cable Act by the FCC.**

**Many of our consumers live in rural areas that cannot receive cable TV. They need to be able to receive all programming available. As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates is essential for ClearVision to be competitive in our local marketplaces. We thought Congress had already solved this problem two years ago with the passage of the 1992 Cable Act.**

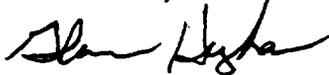
**The attached letters to FCC Chairman Reed Hundt from myself, in addition to Rep. Billy Tauzin and other members of Congress, spell out my concerns on this issue.**

**Some programmers continue to charge unfairly high rates for satellite distributors compared with cable rates. Other programmers -- like Time Warner and Viacom -- have simply refused to sell programming to some distributors. These exclusive practices hurt rural consumers and thwart the effective competition required by Section 19 of the Cable Act.**

**I agree with the NRTC's position that the FCC should act to enforce the wishes of Congress as pur forth in the 1992 Cable Act. I would also greatly appreciate your assistance on behalf of rural consumers in Mississippi in encouraging the FCC to correct this inequity.**

**Sincerely,**

**ClearVision, Inc.**



**Glenn Hughes  
President**

# *ClearVision, Inc.*

*1013 Annandale Drive  
Madison, MS 39110  
601-773-4440 / 601-853-9576*

*July 27, 1994*

*The Honorable Reed Hundt  
Federal Communications Commission  
1919 M Street, NW, Rm. 814  
Washington, D.C. 20554*

*Dear Chairman Hundt:*

*My name is Glenn Hughes and I am President of ClearVision, Inc. We are affiliated with the National Rural Telecommunications Cooperative (NRTC) in the DIRECTTV project delivering programming to rural customers who are largely not served by cable. We own programming rights for the new Digital Satellite System in eight counties in Central Mississippi. I am writing this letter in support of the comments of the NRTC in the matter of Implementation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992, Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 94-48.*

*Many of our consumers live in rural areas that cannot receive cable TV. They need to be able to receive all programming available. As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates is essential for ClearVision to be competitive in our local marketplace. We thought Congress had already solved this problem two years ago with the passage of the 1992 Cable Act.*

*ClearVision does not currently have DBS distribution rights for Time Warner and Viacom programming, like HBO, Showtime, Cinemax, The Movie Channel, VH-1, MTV, Nickelodeon, etc., because of the "exclusive" distribution arrangements they have made with the United States Satellite Broadcasting Co. Inc. (USSB). These practices hurt rural customers and thwart the effective competition required by Section 19 of the Cable Act. DIRECTTV has no exclusive programming contracts and USSB could offer our programming services if it wished to do so.*

*I agree with the NRTC's position that the FCC should act to enforce the wishes of Congress as put forth in the 1992 Cable Act. I would also greatly appreciate your assistance on behalf of rural consumers in Mississippi in encouraging the FCC to correct this inequity.*

*Sincerely,*

*ClearVision, Inc.*



*Glenn Hughes  
President*

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

SEP 29 1994

REPLY REFER TO:  
CN9403810

Honorable Jamie L. Whitten  
U.S. House of Representatives  
2314 Rayburn House Office Building  
Washington, DC 20515-2401

Dear Congressman Whitten:

This is in response to your inquiry on behalf of a constituent, Mr. Glenn Hughes, President of ClearVision, Inc., an affiliate of the National Rural Telecommunications Cooperative (NRTC). Mr. Hughes is concerned that DirecTV, operator of a direct broadcast satellite (DBS) facility, cannot obtain rights to Time Warner and Viacom programming, because such programming is subject to exclusive distribution rights of another DBS distributor, United States Satellite Broadcasting, Inc.

Mr. Hughes also expresses his support for the position of the National Rural Telecommunications Cooperative concerning the Commission's interpretation of Section 19 of the Cable Television Consumer Protection and Competition Act of 1992. NRTC has requested that the Commission reexamine the legality of exclusive contracts between vertically integrated cable programmers and DBS providers in areas unserved by cable operators. NRTC has asked that the Commission determine that such contracts are prohibited.

NRTC's petition for reconsideration of the Commission's program access rulemaking proceeding is currently pending. As such, any discussion by Commission personnel concerning this issue outside the context of the rulemaking would be inappropriate. However, you may be assured that the Commission will take into account each of the arguments raised by NRTC and the other parties to the rulemaking concerning this issue to arrive at a reasonable decision on reconsideration.

I trust this information is responsive to your inquiry.

Sincerely,



Meredith J. Jones  
Chief, Cable Services Bureau